

From: Michael Hartman
To: Microsoft ATR
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Subject: Microsoft Settlement

I would like to express my dislike of the proposed settlement. There are 2 specific points that I believe undermine the punishment of Microsoft for violating the anti-trust laws.

Forcing) Microsoft to give its operating system software to schools for free would further enhance its stronghold on the Operating System and office tools markets. Microsoft would be guaranteed to get hundreds and even thousands of new users trained on their software. Microsoft was found guilty of using all its power to stomp out any competition that threatened it. This form of punishment seems to be helping Microsoft further its dominance in the market. This punishment is just as bad as the crime that was committed. It will be guaranteeing Microsoft gets the market share instead of allowing for a fair playing field for any competition.

I am also concerned by the text in Section III(D) as well as Section III(J)(2). One of the biggest and most viable competition to Microsoft's market share has come from the Open Source community. The Open Source community is, by definition, a not-for-profit entity. Section III(D) forces Microsoft to release "the APIs and related Documentation that are used by Microsoft Middleware to inter-operate with a Windows Operating System Product" to " ISVs, IHVs, IAPs, ICPs, and OEMs". It is not forced to release any of this information to any "not-commercial" organizations. This basically gives Microsoft legal grounds to snuff out any and all open source competition. Microsoft has been found guilty of using illegal means to stomp out any competition. Is there any doubt that they will use these new legal means to do so also? How are these sections making the playing field fair for competitors?

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